



# MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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November 4, 2008

To all individuals on the ALJ's Service List	
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**Re: *In the Matter of the Application of Otter Tail Power Company and Others for Certification of Transmission Facilities in Western Minnesota*; OAH Docket No. 12-2500-17037-2; PUC Docket No. CN-05-619**

Dear Parties:

In response to the several emails over the last few days, I have made the following determinations.

1. MISO can respond in writing, by email, to Joint Intervenor's Objection to the Testimony of Eric Laverty. Please do so by the end of the day November 6. I realize that that will make it a motion to strike.
2. The Department's letter of October 28 indicates that my Fifth Prehearing Order contemplates allowing Dr. Rakow to make a brief statement at the hearing. We did not discuss that in the prehearing conference, but I wrote the Order so as to allow only witnesses who prefile rebuttal to make a statement. I believe that is fair. He does not have to call it rebuttal, but I will require that Dr. Rakow file at least a brief statement of his views by November 6, so that the parties can prepare. Then he can testify at the hearing. The same is required of any other witness.
3. Ms. Cochran has informed us that the Boston Pacific consultants wish to appear together for their cross-examination. I believe that this arrangement can work, although it can be awkward and difficult for questioners and listeners, particularly if there is a great deal of overlap on every issue. I would like the parties to advise us by email of any concerns and suggestions they may have on this procedure. We can then discuss it in a telephone conference on Friday at 10:00 am central time. I will advise you of the call-in numbers by tomorrow.

Sincerely,

/s/ Steve M. Mihalchick

STEVE M. MIHALCHICK  
Administrative Law Judge